

REMARKS

Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks. In this Amendment no claims are added, claim 22 is canceled, and claims 1, 7-13, 17 and 21 are amended. As a result, claims 1-21 are now pending in the application.

In the final Office Action of October 10, 2006, claims 7-12 are rejected under 35 U.S.C. §101. Claims 1-6, 17-19 and 21-22 are rejected under 35 U.S.C. §103(a) in view of U.S. Patent Application 2002/0229768 (Kawano) and further in view of allegedly Admitted Prior Art (APA). Claims 7-8 and 10-12 are rejected under 35 U.S.C. §103(a) in view of allegedly APA and further in view of Kawano. Claims 13-16 are rejected under 35 U.S.C. §103(a) in view of Kawano and further in view of allegedly APA with U.S. Patent Number 6,779,109 (Stevens) presented as an evidentiary reference). Claims 9 and 20 contain allowable subject matter.

It is noted with appreciation that the grounds of rejection have been changed to remove the allegation of inherency, and the rejection under 35 U.S.C. §112, second paragraph have been withdrawn.

*35 U.S.C. §101 Rejection*

Claims 7-12 have been amended consistent with the suggestion in the pending final Office Action to overcome the §101 rejection. The claims now recite a “machine readable storage medium.” Accordingly, withdrawal of the §101 rejection is requested.

*35 U.S.C. §103 Rejections*

The §103(a) rejections of the pending claims in view of Kawano, the alleged APA and the Stevens patent are obviated by the present claim amendments.

The Background section of the present application points out that conventional save and restore procedures save only the user accessible areas of a storage device, and fail to save the protected HPA (host protected areas) of the storage device. The Kawano published patent application uses the protected area as a backup storage area for the user accessible areas of the disk. For example, Kawano explains:

[0038] The user mode module 26 serves in one embodiment to back up the user data. The user mode module 26 may be further configured to retrieve the user data to recover its own data after reinitializing the hard disk drive (HDD) 11.<sup>1</sup>

Kawano does not teach backing up the protected area on another device. In fact, Kawano's discussion of using the protected area to back up the user accessible area seems to teach away from the present invention, which goes one step further to back up both the protected area and the user accessible area on a different storage device.

The third cited document in the Office Action, the Stevens patent, does not overcome these deficiencies of the Kawano document.

Accordingly, the Kawano document, the alleged APA and the Stevens patent, either taken singly or as a hypothetical combination, do not teach or suggest the features of the claimed invention. Therefore, withdrawal of the rejections is respectfully requested.

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<sup>1</sup> Kawano, paragraph [0038].

*Deposit Account Authorization / Provisional Time Extension Petition*

It is believed that no extension of time or fees are required for this filing. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571) 748-4765 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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